

**COMMITTEE ON LAND USE**  
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, Council Member District No. 1

A meeting of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, was held on **Monday September 14, 2009**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:03 p.m.

**PRESENT:** Chairman Phillip Farley, Council District No. 1; Committee Member Timothy J. Callanan, Council District No. 2; Committee Member Robert O. Call, Jr., Council District No. 3; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Dennis L. Fish, Council District No. 5; Committee Member Jack H. Schurlknight, Council District No. 6; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8; County Supervisor Daniel W. Davis, ex officio; Ms. Nicole Scott Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

*During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.*

Chairman Farley called the meeting to order. Committee Member Chip Boling gave the Invocation and Committee Member Callanan lead in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Farley asked for approval of minutes for the Land Use meeting held on August 10, 2009.

It was moved by Committee Member Callanan and seconded by Committee Member C. Davis to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

**A. Consideration of a Resolution** authorizing the County Supervisor to execute a Memorandum of Understanding between Berkeley County and **SC District Church of the Nazarene**.

Mr. Frank Carson, County Engineer, addressed the Committee and stated the County owns the property that splits the two parcels that belong to the Church of the Nazarene. The road is used for parking and is also the access road to a residence. The Church requests that the properties be swapped to consolidate the parcels and are willing to pay the costs of the surveys, land clearing and the roughing in of the new road that would provide access for the residence. There would be no cost to the County.

Committee Member Schurlknight inquired as to the location of the new road.

Mr. Carson responded it would be located to the east of the property line. The survey shows there are no permanent encroachments in that area.

It was moved by Committee Member Schurlknight and seconded by Committee Member Pinckney to **approve** consideration of a **Resolution** authorizing the County Supervisor to execute a Memorandum of Understanding between Berkeley County and SC District Church of the Nazarene. The motion passed by unanimous voice vote of the Committee.

**B. Consideration** prior to **First Reading** of an ordinance to amend and clarify certain sections of Ordinance Number 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, “**Berkeley County Zoning Ordinance**” and amending Ordinances Numbered 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92, and 07-07-43, in regard to the proposed creation of an Arterial Roads Overlay District.

Mr. Greenway addressed the Committee and stated it is proposed to establish an overlay district that will require additional development standards along the major arterial roads in Berkeley County. As a result of the One Cent Sales Tax and some highway improvements, it is the time to consider this adoption to improve the developments along the corridors. The ordinance would regulate and improve signage standards, buffer yards, improve parking standards and deal with some road-widening issues. The affected areas of the Arterial Roads Overlay District are any road that is designed to carry traffic through the County, such as I-26 and the frontage roads, Jedburg Road, Hwy. 176, and Redbank Road. These roads have predominately non-residential development and carry higher levels of traffic. The overlay will cover any property that fronts a major arterial road and along any side street that intersects with a major arterial road for a length of 300 feet or to the nearest property line beyond 300 feet.

Mr. Greenway further explained that the signage standards are going to be eliminating the pole signs and regulating the types of signs based on the square footage of the business. The larger the business, the larger the sign. In no case can the sign be less than 50 square feet, nor greater than 100 square feet. The wall signage provisions have been clarified. A business is permitted one square foot of wall sign per one linear foot of building width. No single wall sign can exceed 200 square feet and the total aggregate signage between the wall and the window can exceed 20% of façade. The LED, (light-emitting diode), provisions have been clarified. The LED boards will be allowed provided that there is a technology mounted on the sign that would allow the ambient light to be red. The signs must have a continuous movement that does not create a rapid change to detract from traffic and it cannot cycle on ratio less than eight seconds.

Committee Member Schurlknight inquired as to the height restrictions for the signs.

Mr. Greenway stated that any sign can have a height maximum of 12 feet unless the business has frontage at an intersection, in which case they would be allowed a higher sign.

Committee Member S. Davis inquired as to the existing signs.

Mr. Greenway replied the ordinance has no amortization clause. If an existing sign is eliminated and rebuilt, it would have to comply with the new regulations.

Committee Member S. Davis inquired as to input from sign companies.

Mr. Greenway has informed and provided the sign contractors with the proposed new sign regulations. There has not been any feedback from the sign companies.

Committee Member Schurlknight inquired as to the signs located on the soon to be widened Hwy. 17A.

Mr. Greenway understands that Hwy. 17A is a state project. The SC DOT regulations state that the signs would have to be relocated. Research will have to be conducted as to any conflict with the SC DOT regulations.

Committee Member Schurlknight stated this is an opportunity to beautify 17A with nice signage. The Farmers & Merchants Bank sign at Carnes Crossroads is very attractive and very professional.

Mr. Greenway explained that signage has a lifespan of five to eight years. As 17A is widened and the businesses improve, the signage should also improve. Businesses that have submitted site plans have been made aware of the proposed signage regulations and should consider having their signage plans conform. There have not been any negative comments regarding the signage regulations because it adds value to their property.

Committee Member Callanan inquired as to how does the proposed signage regulations coincide with the municipal codes for the commercial corridors.

Mr. Greenway responded that the regulations have been sent to the Towns of Summerville, Goose Creek and Moncks Corner for comparison to their codes. There has been no response and it is assumed the new regulations are consistent or better than their respective codes.

Committee Member Call stated that when a hurricane warning is issued, some sign companies dismantle their signs to prevent destruction. Will the new regulations allow for the signs to be reassembled after inclement weather?

Mr. Greenway replied the signs probably do not meet the current windload requirements. If the signs and the supporting structure are removed, then the sign would have to be in compliance when it is reassembled. It is also proposed that any existing non-residential uses located on the major roads have to establish a 20 foot buffer from the right-of-way to the edge of their development. The bufferyard would have to contain a certain amount of vegetation. The natural vegetation in that area that is greater than six inches in diameter has to be left. The one exception to the rule is based on topographic reasons or drainage purposes, then the

administrative official could allow the buffer to be cleared and replanted to allow for grading and drainage. The buffer can be reduced a certain percentage to accommodate for utility and drainage easements. The parking standards regulate the paving of parking lots if there are more than 10 parking spaces. The Corridor Preservation ordinance proposes that setbacks for new buildings and structures would have to be measured from the new proposed right-of-way for the major roads. This would prevent the buying of improved property as a result of the road widening.

It was moved by Committee Member S. Davis and seconded by Committee Member Callanan to **approve** prior to **First Reading** of an ordinance to amend and clarify certain sections of Ordinance Number 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, “**Berkeley County Zoning Ordinance**” and amending Ordinances Numbered 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92, and 07-07-43, in regard to the proposed creation of an Arterial Roads Overlay District. The motion passed by unanimous voice vote of the Committee.

**C. Consideration prior to First Reading of the following:**

**1. Request by David and Joanne Wenger, 101 Tall Pines Road, Ladson, TMS #242-03-03-002 (0.51 +/- acres), from R-1 Single Family Residential District to PD-OP/IP Planned Development Office Park/Industrial Park District. Council District Number 5.**

[Staff recommended conditional approval]

[Planning Commission recommended conditional approval]

Mr. Greenway stated this request was previously for rezoning to OI – Office/Institutional. The Planning Commission and staff recommended denial for that request because the uses were too broad. After attending a community meeting with the Tall Pines residents, it was decided to change the request to PD-OP/IP. The staff has recommended to the Planning Commission that the request have conditional approval because the proposed uses have been clarified. This would limit the uses to unobtrusive office, low traffic generating facilities. The Planning Commission recommended approval. Time is needed to accomplish a compromise between the property owner and the home owners’ association that will allow a non-residential use of the property that was established in a deed restriction in 1990 for this lot. This would allow for the property to be utilized in a manner that would benefit the community and the property owner.

Committee Member Fish recommended approval prior to First Reading. The Tall Pines Home Owners’ Association agreed to provide their input prior to the next Committee Meeting.

It was moved by Committee Member Fish and seconded by Committee Member Callanan to **approve** prior to **First Reading**, the **Request by David and Joanne Wenger**. The motion passed by unanimous voice vote of the Committee.

**2. Request by Mark Warnock for WH Land Company, 1302 Charity Church Road, Huger, TMS #239-00-00-124, and 176 (230.07 acres), from F-1 Agricultural District to H-I Heavy Industrial District. Council District No. 8.**

[Staff recommended denial]

[Planning Commission recommended denial]

Chairman Farley stated the request by Mark Warnock has been held for one month at the applicant's request. The applicant is meeting with the home owners on how the applicant should proceed.

Committee Member S. Davis requested additional information on this request.

Mr. Greenway stated that Mr. Warnock requested to rezone 230 acres from Flex-1 to HI for the purpose of processing wood products into wood chips to sell for fuel, etc. Staff recommended denial because the zoning of HI would allow a large amount of use on Charity Church Road. There is concern with the ability of that road to withstand the large amount of traffic. The Planning Commission also recommended denial.

Committee Member S. Davis inquired who indicated this item be held for another month. The decision could be made at this time.

Mr. Greenway stated the applicant has requested to hold the application for one month to allow for options to accomplish his plan for wood chipping on the property with amending the acreage down to a smaller size or other options. Mr. Warnock was advised to defer the request for one month.

**D. Review prior to Third Reading:**

**1. Bill No. 09-26, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Tommy Boals, 1134 Clements Ferry Road, Wando, TMS #263-00-01-013 (31.86 acres) from F-1, Agricultural District to PDMU, Planned Development Mixed Use District.** Council District No. 8.

It was moved by Committee Member S. Davis and seconded by Committee Member Pinckney to **approve** prior to **Third Reading, Bill No. 09-26.** The motion passed by unanimous voice vote of the Committee.

**2. Bill No. 09-33, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Forsberg Engineering for GSR Jedburg LLC, located at the intersection of Jedburg Road & Drop Off Drive, Summerville, TMS #207-00-01-090 (31.44 acres), from LI, Light Industrial District to PDRC, Planned Development Regional Commercial District.** Council District No. 7.

It was moved by Committee Member Pinckney and seconded by Committee Member S. Davis to **approve** prior to **Third Reading, Bill No. 09-33.** The motion passed by unanimous voice vote of the Committee.

3. **Bill No. 09-34**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Henrietta Acton**, 2087 Highway 45, Pineville, portion of **TMS #015-00-03-022** (3.3 acres) **from RNC, Rural and Neighborhood Commercial District to F-1, Agricultural District**. Council District No. 7.

It was moved by Committee Member Pinckney and seconded by Committee Member Schurlknight to **approve** prior to **Third Reading, Bill No. 09-34**. The motion passed by unanimous voice vote of the Committee.

4. **Bill No. 09-35**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Bonnie Jean & Jonathan Craven**, 209 Eden Lane, Moncks Corner, **TMS #141-00-02-010** (12.05 acres) **from PDMU, Planned Development Mixed Use District to F-1, Agricultural District**. Council District No. 6.

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve** prior to **Third Reading, Bill No. 09-35**. The motion passed by unanimous voice vote of the Committee.

5. **Bill No. 09-36**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Request** by **Joseph McComb** for the Headless Pelican, 1006 Fogarty Lane, Wando, **TMS #263-00-03-080** (0.69 acres) **from R-2, Manufactured Residential District to GC, General Commercial District**. Council District No. 2.

It was moved by Committee Member Callanan and seconded by Committee Member S. Davis to **approve** prior to **Third Reading, Bill No. 09-36**. The motion passed by unanimous voice vote of the Committee.

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **adjourn** the Committee on Land Use Meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 6:32 pm.

October 12, 2009  
Date Approved

**COMMITTEE ON LAND USE**  
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Members: Mr. Timothy J. Callanan, District No. 2  
Mr. Robert O. Call, Jr., District No. 3  
Mrs. Cathy S. Davis, District No. 4  
Mr. Dennis Fish, District No. 5  
Mr. Jack H. Schurlknight, District No. 6  
Mr. Caldwell Pinckney, Jr., District No. 7  
Mr. Steve C. Davis, District No. 8  
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday September 14, 2009**, at **6:00 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

**AGENDA**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

**APPROVAL OF MINUTES**

**August 10, 2009**

**A. Consideration** of a **Resolution** authorizing the County Supervisor to execute a Memorandum of Understanding between Berkeley County and **SC District Church of the Nazarene**.

**B. Consideration** prior to **First Reading** of an ordinance to amend and clarify certain sections of Ordinance Number 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, "**Berkeley County Zoning Ordinance**" and amending Ordinances Numbered 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92, and 07-07-43, in regard to the proposed creation of an Arterial Roads Overlay District.

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September 9, 2009  
S/Barbara B. Austin, CCC  
Clerk of County Council